

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(ECF)

-----: :
: 05 MD 1661 (HB) (JCF)
In Re RIVASTIGMINE PATENT :
LITIGATION (MDL No. 1661), : O R D E R
: :
-----: :

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

The Reddy Defendants having submitted a letter motion seeking an order compelling the plaintiffs to produce certain documents withheld on grounds of privilege and requiring plaintiffs to amend their privilege log to provide more specific information, it is hereby ORDERED as follows:

1. Further amendment of the privilege log would be inefficient and shall not be required.

2. By December 9, 2005, the plaintiffs shall produce for my in camera inspection all documents identified by the Reddy Defendants in the September 28, 2005 letter of Maurice N. Ross (the "Ross Letter") as being in dispute.

2. The submission of the documents described in paragraph 1 above shall be accompanied by a letter providing sufficient information for each individual document to justify the assertion

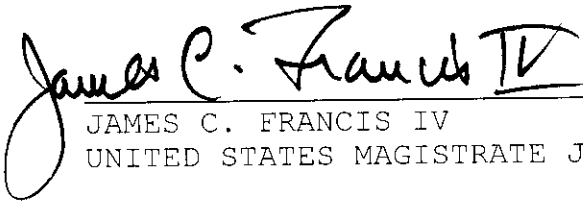
of privilege, including, for example, identification of a particular author or recipient as an attorney admitted to the bar in the United States, a U.S. patent agent, a Swiss patent attorney, a French patent agent, and so on. Where specific information is unavailable, the plaintiffs shall provide any circumstantial evidence that supports a finding of privilege. A copy of this letter shall be served on defendants' counsel.

3. Plaintiffs shall include within the documents to be produced in camera under paragraph 1 above all documents withheld on the basis of a categorical assertion of privilege as described in the Ross Letter. In justifying the assertion of privilege under paragraph 2, the plaintiffs may treat these documents by category. However, to the extent that I find any categorical justification inadequate, all documents within the category shall be ordered produced. Further, to the extent that I find any individual document to have been improperly classified within a category, that document shall be ordered produced without further individual review.

4. By December 23, 2005, defendants shall submit a letter responding to plaintiffs' individual and categorical claims of privilege with respect to the disputed documents.

5. Plaintiffs shall submit any reply by December 30, 2005.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
November 21, 2005

Copies mailed this date:

Robert L. Baechtold, Esq.
Diego Scambia, Esq.
Nicholas N. Kallas, Esq.
Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, New York 10112-3801

Maurice N. Ross, Esq.
Stuart Sender, Esq.
Lars Taavola, Esq.
Budd Larner PC
150 John F. Kennedy Parkway
Short Hills, New Jersey 07078

James K. Stronski, Esq.
Frommer Laurence & Haug, LLP
745 Fifth Avenue
New York, New York 10151

James F. Hurst, Esq.
David J. Doyle, Esq.
Derek J. Sarafa, Esq.
Kristen G. Cowan, Esq.
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601